Attorney's Docket No.: 15828-155001 / PE-00-029A

JUN 0 7 2006 THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3639 Applicant: Jacobs et al.

Examiner: Igor N. Borissov Serial No.: 10/043,699

Filed : January 9, 2002

: FUEL DISPENSER THAT DISPLAYS INFORMATION BASED UPON Title

CUSTOMER IDENTITY

Mail Stop Appeal Brief - Patents

Attention: Board of Patent Appeals and Interferances

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicant responds to the Examiner's Answer as follows.

Appellant respectfully submits that the Examiner has failed to cite any passage of Struthers that teaches displaying non-payment information as a function of the manner in which the user will pay to dispense fuel. In fact, the Examiner has only cited passages that teach displaying information that is unrelated to the manner in which the user will pay (e.g., food, advertisements, news, games) regardless of the manner in which the user will pay to dispense fuel, not as a function of the payment manner. Examiner's Answer, Pages 3-4. For example, Struthers teaches that the fuel dispenser may display food items for sale, advertisement, news related information, event listings, games, and other information not related to the manner in which the user will pay to dispense fuel. [0048]; [0049]; [0057]. Indeed, Struthers merely teaches automatically displaying non-payment information in response to the presence of the customer or displaying non-payment information in response to a request from the customer. Id. However, Struthers fails to teach or suggest that any of this non-payment information is displayed as a function of the manner in which the user will pay to dispense fuel. In fact, Struthers only teaches displaying information directly related to the manner in which the user will pay to dispense fuel (Credit, Debit, Enter PIN Number) as a function of the manner in which the user will pay to dispense fuel. Figure 4.

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Appellant submit that displaying non-payment information as a function of the manner in which the user will pay to dispense fuel permits the operator to maximize commercial success of the system by enabling the ability to provide customizable information. For example, in response to a customer using a gold card to pay to dispense fuel, the system may display an advertisement for a Lexus. In contrast, in response to a customer using money to pay to dispense fuel, the system may display an advertisement for a Toyota.

For these reasons, and the reasons stated in the Appeal Brief, Applicant submits that the final rejection should be reversed.

Also enclosed is a Request for Oral Hearing and a check in the amount of \$1,000 which is being filed concurrently with this Reply Brief.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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